IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25176 of 2004

Between:

1 Epuri Srinivasa Rao, S/o Kotaiah, R/o Eravandi, Burgampahad Mandal, Khammam district
2 Epuri Ravi S/o Sathyam, R/o Eravandi, Burgampahad Mandal, Khammam district

..... PETITIONERS

AND

The Mandal Revenue Officer, Burgampahad Mandal, Khammam District

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent i.e. Mandal Revenue Officer, Burgampahad Mandal, Khammam District, in taking steps to evict the petitioners herein from the lands i.e. sy. No. 19 to extent of ac. 1-12 gts of Eravandi Village, Burgampahad Mandal, Khammam District of the 1st Petitioner and in Sy. No. 19 to an extent of Ac. 1-26 gts of 2nd petitioner Eravandi village, Burgampahad Mandal, Khammam District without following the procedure laid down under land Encroachment Act and without due process of law is illegal and void and opposed to Articles 14, 19, 21 and 300(A) of Constitution of India and consequently to direct the respondents not to dispossess the petitioners without due process of law.

For the Petitioner: MR.MUMMANENI.SRINIVASA RAO, Advocate

For the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

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Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue and with their consent the writ petition itself is disposed of at the stage of admission.

Petitioner Nos.1 and 2 claim to be in occupation of an extent of Ac.1-12 guntas of land and Ac.1-26 cents of land respectively situated in Survey No.19 of Eravandi Village, Burgampahad Mandal of Khammam District since 1960 by raising agricultural crops therein. Their grievance is that without following the procedure laid down under the Land Encroachment Act, the respondent is taking steps to evict them from the land, which is illegal and arbitrary. Seeking a direction to the respondent not to dispossess them from the land without due process of law, they filed the present writ petition.

Having regard to the facts and circumstances of the case, the writ petition is disposed of at the stage of admission with the following directions:

If the land in question is a Government land, which is under encroachment, the respondent shall follow the procedure contemplated under the Land Encroachment Act for eviction. Till then, status quo obtaining as on today shall be maintained. If the respondent has already followed the due process of law in the matter, he is at liberty to take steps to evict the petitioners from the land in question.

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N.V. RAMANA, J

Date: 31-12-2004

Svv

To

1. The Mandal Revenue Officer, Burgampahad Mandal, Khammam District.

2. Two CCs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).

3. Two CD copies.